UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,348	05/19/2000	Shoichi Ando	12052.33US01	1005

23552   7590   06/19/2002

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EXAMINER
IP, SIKYIN

ART UNIT	PAPER NUMBER
1742	11

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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MF

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Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS·

ADVISORY ACTION

☑ THE PERIOD FOR RESPONSE:

a) ☑ is extended to run _5 months_ or continues to run _____ from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition , and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☑ Applicant's response to the final rejection, filed _5/28/02_ has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:

    a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.

    b. ☐ They raise new issues that would require further consideration and/or search. (See Note).

    c. ☐ They raise the issue of new matter. (See Note).

    d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

    e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

    NOTE: _____
    _____
    _____
    _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☑ Upon the filing an appeal, the proposed amendment ☑ will be entered ☐ will not be entered and the status of the claims will be as follows:

    Claims allowed: _none_
    Claims objected to: _none_
    Claims rejected: _1-3_

    However;

    ☐ Applicant's response has overcome the following rejection(s): _____

    ** The mean aspect ratio is far away from 1 which indicates carbide particle is not round at. Therefore, it is unclear why mean carbide particle measured in ~~diat~~ diameter.

4. ☑ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _of the reasons set forth in Paper No. 9. The declaration filed on May 28, 02 has been fully considered. But the data is found inconsistent. TP-1 has C, Si,_

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other * Mn, P, & S outside the claimed ranges. But it has better crack resistance than TP-2 which has only Mn is outside the claimed range. In Table 2, it is impossible for a mean carbide particle diameter about 1 metre. Furthermore, it is unclear why TP-2 mean carbide diameter smaller than TP1 ... TP-2 has ...... number/unit area than TP-1.

SIKYIN IP
PRIMARY EXAMINER